

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BARBARA D. DOLISE,

Plaintiff,

-against-

ORDER

CV 03-6382 (ADS)(ARL)

JOHN E. POTTER, POSTMASTER
GENERAL, U.S. POSTAL SERVICE,

Defendant.
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LINDSAY, Magistrate Judge:

Before the court is the plaintiff's letter application dated February 14, 2006 seeking to reopen discovery for ninety days and to address the court's recent order that granted the defendant's application to extend the time to initiate the dispositive motion process to March 13, 2006. That application is denied.

The procedural history of this case was recently set forth in the court's January 24, 2006 order and will not be repeated herein except to note that despite four lengthy extensions of the discovery deadlines, the plaintiff had still failed to respond to document requests that were well over a year old and to appear for a deposition. It was the plaintiff's failure to respond to discovery requests that caused the defendant to require additional time to prepare his summary judgment motion. In fact, the court was so concerned about the plaintiff's failure to conduct discovery that the court warned the plaintiff that her failure to respond to all outstanding discovery requests or to appear for the deposition would result in the court's recommendation that the case be dismissed for failure to prosecute.

Now, despite the court's warnings, and fourteen days after the final deadline for discovery, counsel for the plaintiff, who has not conducted any discovery on behalf of the plaintiff, seeks ninety days to conduct discovery based on "excusable neglect". Given the numerous courtesies extended to plaintiff's counsel due to her health issues, the court does not believe that the fact that plaintiff's counsel moved her residence, dissolved her partnership or reconfigured her business relationship, amounts to excusable neglect.

The final conference will go forward on March 6, 2006.

Dated: Central Islip, New York
March 1, 2006

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge